

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-33, 39, 42-46, 52, and 55-56 are pending in the application, with 1, 5, 18, 31 and 44 being the independent claims. Claims 34-38, 40-41, 47-51, and 53-54 have been cancelled without prejudice to or disclaimer of the subject matter contained therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Claims

Claims 2-4, 5-17, and 19-54 stand objected to because of various informalities. Applicant has amended claims 2, 6, 19, 31, 32, 44, and 45 accordingly. Reconsideration and withdrawal of the rejections of claims 2, 6, 19, 31, 32, 44, and 45 are respectfully requested. However, Applicant respectfully traverses the objection to claim 5.

The Examiner states that the phrase "over one" in claim 5, line 7, should be "over the one". However, the full phrase in claim 5, line 7, is: "over one or more frequency bands available for use by said central modem". This phrase is not meant to refer back to the previous use of "one or more frequency bands" in claim 5, line 3, since that entire phrase is: "one or more frequency bands available for use by a remote modem". Since the phrase as used in line 7 refers to frequency bands available to a central modem, and the phrase in line 3 refers to frequency bands available to a remote modem, Applicant

respectfully submits that the language in line 7 properly does not claim antecedent basis to the language in line 3. Reconsideration and withdrawal of the objection to claim 5 is respectfully requested.

Claims 3-4, 7-17, 20-30, 33-43, and 46-54 stand objected to as being dependent upon claims that have been objected to. As claims 34-38, 40-41, 47-51, and 53-54 have been cancelled, Applicant respectfully submits that the objections to claims 34-38, 40-41, 47-51, and 53-54 are rendered moot. Further, as Applicant has addressed the objections to claims 2, 5, 18, 31, and 44, Applicant submits that claims 3-4, 7-17, 20-30, 33, 39, 42-43, 46 and 52 are also in condition for allowance. Reconsideration and withdrawal of the objections to claims 3-4, 7-17, 20-30, 33, 39, 42-43, 46 and 52 are respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 3-4, 7-15, 17, 20-28, 33-41, and 46-54 stand rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite. As claims 34-38, 40-41, 47-51, and 53-54 have been cancelled, Applicant submits that the rejections of claims 34-38, 40-41, 47-51, and 53-54 have been rendered moot. Claims 3, 9, 10, 12, 15, 22, 23, 25, and 28 have been amended to correct antecedent basis errors. Although Applicant respectfully traverses the rejections of claims 7, 20, 33, and 46, Applicant has amended claims 7, 20, 33, and 46 to make the connection to claims in their dependency chains even more clear. Claims 13, 26, 39, and 52 have been amended to correct typographical errors in their dependencies.

Claims 4, 8, 13-14, 17-19, 21, 24, 27, 29-32, 34, 37, 40, 47, 50, and 53 stand rejected as being dependent upon rejected claims. As claims 34, 37, 40, 47, 50, and 53 have been cancelled, Applicant respectfully submits that the rejections of claims 34, 37, 40, 47, 50, and 53 have been rendered moot. As Applicant has addressed the rejections to claims 3, 7, 20, 33, and 46, Applicant respectfully submits that claims 4, 8, 13-14, 17-19, 21, 24, 27, and 29-32 are also in condition for allowance. Reconsideration and withdrawal of the rejections to claims 3-4, 7-15, 17, 20-28, 33, 39, 46 and 52 are respectfully requested.

Office Action mailed April 18, 2006

A supplemental Office Action was mailed April 18, 2006, indicating that Applicant's Amendment and Reply filed February 6, 2006, was not fully responsive to the prior Office Action. Specifically, it was noted that Applicant did not correct the antecedent basis of "said initial upstream carrier frequency" recited in claims 34-38, 40-41, 47-51, and 53-54. As these claims have been cancelled in this Supplemental Amendment and Reply, Applicant respectfully submits that any defects in the previous Amendment and Reply have been cured.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: 5/18/06

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